

UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.

2790/6

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application

Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

Methods of Ex-Vivo Expansion of Hematopoietic Cells Using Interleukin-3 Mutant Polypeptides With Other Hematopoietic Growth Factors

and invented by:

S. Christopher Bauer, Mark Abrams, Sarah Bradford-Goldberg, Maire Caparon, Alan Easton, Barbara Klein, John McKearn, Peter Olins, Kunnan Paik, John Thomas

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☒ **Divisional** ☐ Continuation-in-part (CIP) of prior application No.: 08/762,227

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 08/446,872

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 08/192,325

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 140 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Microfiche Appendix (if applicable)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if drawings filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☒ Formal Number of Sheets 5
- b. ☒ Informal Number of Sheets 5
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy) ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche (Appendix)
7. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☒ Paper Copy
- b. ☒ Computer Readable Copy (identical to computer copy)
- c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☐ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): EF192450791US

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Total Pages in this Submission

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. ☐ Additional Enclosures (please identify below):

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17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
2790/6

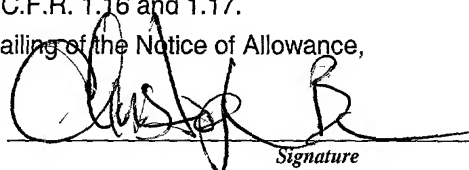
Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	31	- 20 =	11	x \$18.00	\$198.00
Indep. Claims	3	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$280.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$1,188.00

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **19-1025** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
 - ☐ Credit any overpayment.
 - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
 - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).


Signature

Dated: February 26, 2002

CC:

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	Not Assigned
Filing Date	February 26, 2002
First Named Inventor	S. C. Bauer et al.
Examiner Name	Not Assigned
Group Art Unit	Not Assigned
Attorney Docket No.	2790/6/US

TOTAL AMOUNT OF PAYMENT \$1,228.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **19-1025**

Deposit Account Name

- ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR § 1.27

2. ☐ Payment Enclosed:

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee Code	Fee Description	Fee Paid
101	201	710	355	Utility filing fee	710.00
106	206	320	160	Design filing fee	
107	207	490	245	Plant filing fee	
108	208	710	355	Reissue filing fee	
114	214	150	75	Provisional filing fee	
SUBTOTAL (1)					710.00

2. EXTRA CLAIM FEES

Extra Claims	Fee from below	Fee Paid
Total Claims 31 - 20** = 11 X 18.00 = 198.00		
Independent Claims 3 - 3** = 0 X 0.00 = 0.00		
Multiple Dependent 280.00 = 280.00		

Large Entity	Small Entity	Fee Code	Fee Code	Fee Description	Fee Paid
103	203	18	9	Claims in excess of 20	
102	202	80	40	Independent claims in excess of 3	
104	204	270	135	Multiple dependent claim, if not paid	
109	209	80	40	** Reissue independent claims over original patent	
110	210	18	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					478.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee Code	Fee Description	Fee Paid
105	205	130	65	Surcharge - late filing fee or oath	
127	227	50	25	Surcharge - late provisional filing fee or cover sheet	
139	239	130	130	Non - English specification	
147	247	2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
112	212	920*	920*	Requesting publication of SIR prior to Examiner action	
113	213	1,840*	1,840*	Requesting publication of SIR after Examiner action	
115	215	110	55	Extension for reply within first month	
116	216	390	195	Extension for reply within second month	
117	217	890	445	Extension for reply within third month	
118	218	1,390	695	Extension for reply within fourth month	
128	228	1,890	945	Extension for reply within fifth month	
119	219	310	155	Notice of Appeal	
120	220	310	155	Filing a brief in support of an appeal	
121	221	270	135	Request for oral hearing	
138	238	1,510	1,510	Petition to institute a public use proceeding	
140	240	110	55	Petition to revive - unavoidable	
141	241	1,240	620	Petition to revive - unintentional	
142	242	1,240	620	Utility issue fee (or reissue)	
143	243	440	220	Design issue fee	
144	244	600	300	Plant issue fee	
122	222	130	130	Petitions to the Commissioner	
123	223	50	50	Processing fee under 37 CFR § 1.17(q)	
126	226	180	180	Submission of Information Disclosure Statement	
581	2581	40	40	Recording each patent assignment per property (times number of properties)	40.00
146	246	710	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	249	710	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	279	710	355	Request for Continued Examination (RCE)	
169	269	900	900	Request for expedited examination of a design application	
Other fee (specify)					
SUBTOTAL (3)					40.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type)	S. Christopher Bauer	Registration No. (Attorney/Agent)	42,305	Telephone	636-737-6257
Signature		Date	February 26, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT

Cas : 2790/6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: |

S. C. Bauer et al. |

GROUP ART UNIT: not assigned

SERIAL NUMBER: not assigned |

EXAMINER: not assigned

FILED: February 26, 2002 |

DATE: February 26, 2002

TITLE: Methods Of Ex-Vivo Expansion Of Hematopoietic Cells Using Multivariant (IL-3)
Hematopoiesis Chimera Proteins

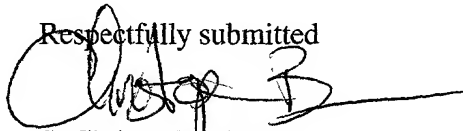
STATEMENT UNDER 37 C.F.R. § 1.821(f)

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Sir:

This will confirm that the content of the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing submitted herewith to the are the same. No new matter has been added.

Respectfully submitted



S. Christopher Bauer
Registration No. 42,305
Tel: 636-737-6257

Pharmacia Corporation
Corporate Patent Department
800 N. Lindbergh Blvd.
Mail Zone O4E
St. Louis, MO 63167

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): S. C. Bauer et al.

Docket No.

2790/6/US

Serial No.
Not AssignedFiling Date
February 26, 2002Examiner
Not AssignedGroup Art Unit
Not Assigned

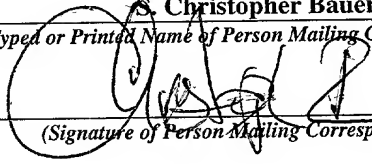
Invention: Methods of Ex-Vivo Expansion of Hematopoietic Cells Using Interleukin-3 Mutant Polypeptides with Other Hematopoietic Growth Factors

I hereby certify that the following correspondence:

Fee Transmittal, Utility Application Transmittal, Assignment Cover Sheet, Assignment, Declaration, Formal Drawings, Preliminary Amendment, Statement Under 1.821 (f), Paper copy of sequence listing, CRF of sequence listing, IDS, Form 1449

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

February 26, 2002*(Date)*S. Christopher Bauer*(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)*EF192450791US*("Express Mail" Mailing Label Number)*

Note: Each paper must have its own certificate of mailing.